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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

URSULA BYRAM, S.B. by and through guardian *ad litem* TIMOTHY BYRAM, N.B. by and through guardian *ad litem* TIMOTHY BYRAM, and A.B. by and through guardian *ad litem* KAITLYN HUMENCHUK, individually and as successors-in-interest to Everett Byram,

Plaintiffs.

V.

COUNTY OF LOS ANGELES,
BLAKE RUNGE, and BRENDA
ALCANTARA

Defendants

Case No.: 2:23-cv-9285-KS

JOINT SCHEDULING CONFERENCE REPORT

Judge: Hon. Karen L. Stevenson

Date: May 21, 2024

Time: 9:30 AM

Location: Courtroom 580

Roybal Federal Building and Courthouse

Original Complaint:	Nov 3, 2023
Amended Complaint:	Mar 29, 2023
County Answer:	April 12, 2023
Runge Answer:	April 12, 2023
Alcantara Answer:	May 15, 2023
Trial (Proposed):	July 8, 2025

1 Pursuant to Local Rule 26-1, Federal Rule of Civil Procedure Rule 26(f),
2 and this Court's Order, the parties hereby submit the following Joint Report.

3 Pursuant to Federal Rule of Civil Procedure Rule 26(f), a telephonic
4 conference was held between counsel on April 26, 2024. The telephonic
5 conference was attended by Cooper Alison-Mayne of the Law Offices of Dale K.
6 Galipo, counsel for the plaintiffs, and Jordan S. Stern of Hurrell Cantrall LLP,
7 counsel for County of Los Angeles, Blake Runge, and Brenda Alcantara.
8

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10 **STATEMENT OF THE CASE**

11 This is a civil rights action brought pursuant to 42 U.S.C. §1983 and
12 California law. This case arise from alleged violations of various rights under the
13 United States Constitution and California law in connection with the fatal shooting
14 of Everett Byram (“Decedent”). This case also involves the alleged false
15 imprisonment of Decedent’s wife, Plaintiff Ursula Byram, in the hours after the
16 shooting. Plaintiffs bring state and federal causes of action for: (1) Fourth
17 Amendment, Excessive Force; (2) Fourteenth Amendment, Interference with
18 Familial Relationship; (3) Fourth Amendment, Unlawful Detention; (4) Municipal
19 Liability, Unconstitutional Custom or Policy; (5) Municipal Liability, Failure to
20 Train; (6) Municipal Liability, Ratification; (7) violations of the Americans with
21 Disabilities Act; (8) Battery; (9) Negligence; (10) False Imprisonment; and (11)
22 Violation of California Civil Code Section 52. Plaintiffs seek punitive damages
23 against Defendant Blake Runge.
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1 **a. Plaintiffs' Statement of the Case**

2 On February 10, 2023, Los Angeles County Sheriff's Department (LASD)
3 deputies responded to a mental health crisis involving 34-year-old Everett Byram
4 at his residence. Deputies confronted him in the backyard where he held a blunt
5 sword. Two deputies initially aimed non-lethal weapons at him, but Deputy Runge,
6 arriving later, drew his firearm and fatally shot Mr. Byram, ignoring calls for non-
7 lethal intervention. The shooting occurred while Mr. Byram posed no immediate
8 lethal threat, being approximately 20 feet away and not advancing towards the
9 deputies. There was no verbal warning before the use of deadly force, and the
10 deputies failed to provide prompt medical aid, resulting in Mr. Byram's death.
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12 Following the incident, Ursula Byram was detained for over seven hours
13 without justification, along with her son. For part of this time, deputies refused to
14 inform her of her daughter's whereabouts, leaving her with the impression that she
15 may have been injured during the shooting. This caused Mrs. Byram significant
16 distress.
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18 The shooting violated Peace Officer Standards and Training Program
19 (POST) standards for the use of deadly force. Los Angeles County is culpable for
20 failing to adequately train its deputies in the use of deadly force and the handling
21 of mental health crises. The deputies' rapid escalation to lethal force, despite the
22 availability of non-lethal options and Mr. Byram's known mental health issues,
23 highlights a lack of appropriate training and protocols for such situations.
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1 Furthermore, the county's subsequent actions, or lack thereof, effectively ratified
2 the deputies' conduct. This incident is a stark illustration of systemic flaws within
3 the county's policies and practices, which prioritize aggressive tactics over de-
4 escalation and compassionate intervention in mental health emergencies.
5

6 **b. Defendants' Statement of the Case**

7 The defendants are exploring all of the Plaintiffs' allegations and maintain that
8 deputies acted lawfully and reasonably at all times. Defendants maintain that
9 Plaintiff was armed with a sword, visible to deputies, while ignoring commands to
10 drop the weapon. Thus, the force used in response was reasonable. Defendants also
11 dispute the nature and extent of Plaintiffs' claimed damages.
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14 **SUBJECT MATTER JURISDICTION**

15 This Court has subject matter jurisdiction over Plaintiffs' federal question and
16 civil rights claims under United States Constitution and 42 U.S.C. §1983 pursuant
17 to 28 U.S.C. § 1331 and 1343. This Court has jurisdiction over Plaintiffs'
18 supplemental state law claims under 28 U.S.C. § 1337 as those claims arise out of
19 the same transactions and occurrences as Plaintiffs' federal question claims.
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22 **LEGAL ISSUES**

23 The following are among the principle issues raised by Plaintiffs'
24 Complaint:
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1 1) Whether the actions and inactions by the involved deputies were
2 reasonable under the circumstances within the meaning of Fourth Amendment
3 jurisprudence;

4 2) Whether the shooting interfered with Plaintiffs' right to a familial
5 relationship with the decedent;

6 3) Whether the shooting and use of excessive force against Decedent
7 resulted from conduct that was malicious, oppressive, or in reckless disregard of
8 his rights;

9 4) Whether the LASD has unconstitutional policies, practices, or
10 customs that were the cause of the decedent's and Plaintiffs' injuries;

11 5) Whether the LASD failed to train its deputies under the Plaintiffs'
12 Monell claim;

13 6) Whether LASD ratified its deputies' unconstitutional actions that were
14 the cause of the decedent's and Plaintiffs' injuries;

15 7) Whether the defendants were negligent with respect to their handling
16 of the situation, including using lethal force with Decedent.

17 8) Whether the defendants acted intentionally or with substantial
18 certainty handled the situation, including using force against Decedent, would
19 violate his constitutional rights and/or to prevent him from exercising his
20 constitutional rights;

21 9) Whether Defendants violated the Americans with Disabilities Act by
22 failing to provide reasonable accommodation to Decedent, who was suffering from
23 a mental health crisis when he was shot and killed;

1 10) Whether Defendants unlawfully detained and falsely imprisoned Mrs.
2 Byram immediately after the shooting;

3 11) The nature and extent of Plaintiffs' damages, including punitive
4 damages.

5 **PARTIES & EVIDENCE**

6 Plaintiffs are Decedent's wife; Ursula Byram, and Decedent's three
7 children: S.B. by and through guardian ad litem Timothy Byram, N.B. by and
8 through guardian ad litem Timothy Byram, and A.B. by and through guardian ad
9 litem Kaitlyn Humenchuk. Plaintiffs sue individually and as successors-in-interest
10 to Decedent.

11 Defendants are County of Los Angeles, Blake Runge, Brenda Alcantara.

12 Key witnesses include: (1) Plaintiff Ursula Byram; (2) Blake Runge; (3)
13 Sergeant Cory James; (4) Sergeant Matthew Pereida; (5) Deputy Juan Lopez-
14 Munoz; (6) Deputy Brian Cervantes; (7) Brenda Alcantara.

15 Key pieces of evidence include: (1) Body-worn-camera footage of the
16 incident; (2) Los Angeles Sheriff's Department Training materials; (3) Recordings
17 of 911 calls; (4) Dispatch recordings; (5) Pictures of scene; (6) the Los Angeles
18 internal investigation report.

19 **DAMAGES**

20 Plaintiffs are unable to give an estimate of damages at this time. Damages
21 will be based on the evidence presented at trial and may include both economic
22

1 and non-economic losses. Economic damages will cover measurable financial
2 losses, such as funeral and burial expenses, loss of financial support, and legal
3 costs. Non-economic damages will address the emotional and personal impacts,
4 including pre-death pain and suffering, loss of consortium, and loss of life.
5 Plaintiffs may also seek punitive and exemplary damages, intended to punish and
6 deter wrongful conduct, as well as statutory damages as provided by law.
7

8 An estimate of damages is challenging at this stage, but Plaintiffs are seeking
9 damages exceeding \$10 million.

10 **INSURANCE**

11 The County of Los Angeles is self-insured.

12 **MOTIONS**

13 Plaintiffs do not anticipate adding any more parties or claims. The Parties
14 do not anticipate filing motions to transfer venue.

15 **STATUS OF DISCOVERY**

16 The Parties have been diligently engaged in written discovery, including
17 multiple rounds of supplemental disclosures and document production.

18 **DISCOVERY PLAN**

19 Depositions of key witnesses, including Blake Runge and Ursula Byram, are
20 scheduled for May 2024.

21 In addition to the scheduled depositions, Plaintiffs may depose EMTs,
22 paramedics, and/or fire department members who arrived on scene to provide

1 medical attention to Decedent, additional witnesses to this incident, a person most
2 knowledgeable regarding LASD policies and procedures pertaining to the use of
3 force, a person most knowledgeable regarding gangs that operate within the LASD,
4 criminalists who participated in any investigation into this incident, and witnesses
5 with knowledge of Blake Runge's involvement in a deputy gang.

6
7 According to Plaintiffs, subjects on which discovery may be needed include:
8 the deputies' training, including training regarding the use of force and responding
9 to mental health crises; the deputies' prior uses of force, if any, including any
10 citizens' or internal complaints made against the involved deputies; LASD policies
11 with regards to use of force complaints; LASD policies with regards to when
12 deadly force may be used; LASD policies; the handling of evidence by LASD
13 employees; medical treatment provided to the decedent on the scene of the
14 incident; testimony of witnesses and involved deputies.
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17 Defendants anticipate discovery on the subjects of (1) whether the Plaintiffs'
18 Fourth and Fourteenth Amendment rights were violated; (2) whether the Defendant
19 Deputies used unreasonable force; (3) whether the County of Los Angeles can be
20 held liable for any purported violation of Plaintiffs' Constitutional Rights under §§
21 1983 and 1988; and (4) whether the defendant is entitled to qualified immunity.
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24 **DISCOVERY CUT-OFF**
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26 The Parties propose a Non-Expert Discovery cutoff of February 14, 2025.
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1 EXPERT DISCOVERY CUT-OFFS

2 The Parties propose the following expert discovery cut-offs:

3	Expert Disclosure (Initial)	February 21, 2025
5	Expert Disclosure (Rebuttal)	March 7, 2025
6	Expert Discovery cut-off	March 14, 2025

7 DISPOSITIVE MOTIONS

8 Plaintiffs do not anticipate filing any dispositive motions in this case, but
9 Plaintiffs will file motions in limine if the case proceeds to trial. Defendants are
10 presently considering filing a Motion for Summary Judgment, but further review
11 of case is necessary. Defendants will file Motions in Limine if this case proceeds
12 to trial.

15 SETTLEMENT

16 a. Prior Discussions: No discussion has been taken at the time of drafting
17 this report.

19 b. ADR Selection: The Parties have agreed to Richard Copeland as panel
20 mediator. The Parties have schedule a mediation for August 19, 2024

22 9. TRIAL ESTIMATE

23 a. Time Estimate: The parties estimate the length of the trial at
24 approximately five to seven court days.

26 b. Jury or Court Trial: Parties request trial by jury.

27 c. Plaintiffs anticipate calling between 8 and 12 witnesses; Defendants

1 anticipate calling 5 to 6 witnesses.

2 **TRIAL COUNSEL**

3 Dale K. Galipo will be the lead trial counsel for the Plaintiffs' case. Thomas Hurrell
4 will be lead trial counsel for Defendants.

5 **INDEPENDENT EXPERT**

6 The Parties agree that neither a discovery master nor independent scientific expert
7 are needed for this lawsuit.

8 **TIMETABLE**

9 See Appendix A, below.

10
11 DATED: May 7, 2024

LAW OFFICES OF DALE K. GALIPO

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14 /s/ *Cooper Alison-Mayne*
15 Dale K. Galipo
16 Cooper Alison-Mayne
17 *Attorneys for Plaintiffs*

18
19 DATED: May 7, 2024

HURRELL CANTRALL LLP

20
21 By: /s/ *Jordan S. Stern*

22
23 THOMAS C. HURRELL
24 NICOLE G. ORTEGA
25 JORDAN S. STERN
26 *Attorneys for Defendants COUNTY OF*
27 *LOS ANGELES, DEPUTY BLAKE*
28 *RUNGE, and BRENDA ALCANTARA*

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2 **APPENDIX A: SCHEDULE OF PRETRIAL AND TRIAL DATES**

3 **WORKSHEET**

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<u>MATTER</u>	<u>JOINT REQUESTED DATE or PLNTF/DEFT REQUESTED DATE</u>
TRIAL [] Court [X] Jury Duration Estimate: 5–7 days	July 8, 2025, 9:00 a.m. (Tuesday)
FINAL PRETRIAL CONFERENCE ("FPTC") 4 wks before trial	June 10, 2025, 1:00 p.m. (Tuesday)

<u>MATTER</u>	<u>TIME COMPUTATION</u>	<u>JOINT REQUESTED DATE</u>
Hearing on Motions in Limine	2 weeks before trial	June 24, 2025, 1:00 p.m. (Tuesday)
Lodge Final Pretrial Conference Order, L.R. 16-7; File Proposed and Disputed Jury Instructions and Verdict Forms	11 days before PTC	May 30, 2025
File Memo of Contentions of Fact and Law, L.R. 16-4; Exhibit and Witness Lists, L.R. 16-5, 16-6 File Status Report Regarding Settlement	7 weeks before trial	May 20, 2025
Trial Brief, L.R. 16-10	1 week before trial	July 1, 2025

1	Last date to conduct Settlement Conference, L.R. 16-15	10 weeks before trial	April 29, 2025
2	Last date for hearing dispositive motions, L.R. 7	12 weeks before trial	April 16, 2025, 10:00 a.m. (Wednesday)
3	Non-Expert Discovery cutoff		February 14, 2025
4	Expert Disclosure (Initial)		February 21, 2025
5	Expert Disclosure (Rebuttal)		March 7, 2025
6	Expert Discovery cut-off		March 14, 2025
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